

Sent By: Henneman & Saunders;

(269) 279-8830;

Nov-22-04 6:39PM

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Phone: 269-279-8820 Fax: 269-279-8830

Henneman & Saunders  
714 W. Michigan Ave.  
Three Rivers, MI 49093

# Fax

To: US Patent and Trademark Office From: Larry E. Henneman, Jr.

Fax (703) 872-9306 Pages: 08, including cover sheet

Phone: Date: November 22, 2004

Re: Amendment/Response (Non-Final) CC:

Urgent  For Review  Please Comment  Please Confirm Receipt

• ATTENTION: This facsimile transmission may contain confidential attorney-client communication and/or attorney work-product. If you receive this transmission in error, please take necessary measures to maintain its confidentiality, and notify the sender immediately.

Applicant: Firestone Attorney Docket: 0026-011  
Application No.: 10/044,398 Examiner: Hwu, Davis D.  
Filed: 1/9/2002 Art Unit: 3752

Title: Truck Wash Automatic Chemical Ratio Proportioning

The following documents are transmitted herewith for filing in the above referenced application:

1. Transmittal Letter / Petition for Extension of Time (1 page);
2. Response (5 pages); and
3. Credit Card Payment Form PTO-2038.

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Page 2

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<b>RESPONSE TRANSMITTAL LETTER</b> Under Small Entity Status				Attorney Docket No: 0026-011		
Application Serial Number: 10/044,398		Filing Date: January 9, 2002		Examiner: Hwu, Davis D.		Group Art Unit: 3752
Invention: Truck Wash Automatic Chemical Ratio Proportioning						
TO THE COMMISSIONER OF PATENTS AND TRADEMARKS: Transmitted herewith is a response (5 pages) in the above-identified application. The fee has been calculated as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	37	MINUS	37	0	\$9	\$ 0.00
INDEP. CLAIMS	2	MINUS	3	0	\$43	\$ 0.00
<input checked="" type="checkbox"/> Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of <u>6/21/2004</u> to and through <u>11/22/04</u> , comprising an extension of the shortened statutory period of:						
<input checked="" type="checkbox"/> one month (\$55) <input type="checkbox"/> three months (\$490) <input checked="" type="checkbox"/> two months (\$215) <input type="checkbox"/> four months (\$765)						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$215.00
<input checked="" type="checkbox"/> Small entity status is proper and requested to this application <input checked="" type="checkbox"/> A fax coversheet accompanies this transmission. <input checked="" type="checkbox"/> A Credit Card Payment Form for payment of <u>\$ 215.00</u> is transmitted herewith. <input type="checkbox"/> Charge \$_____ to Deposit Account _____. <input type="checkbox"/> No additional fee is required.						
<u>11/22/04</u>			 Larry E. Henneman, Jr. Reg. No. 41,063			
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at (703) 872-9306 on November 22, 2004.						
 Larry E. Henneman, Jr., Reg. No. 41,063						

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Page 4

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App. Serial No.: 10/044,398  
Atty. Docket No.: 0026-011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): FIRESTONE (et al.)  
Serial No.: 10/044,398  
Filed: January 9, 2002

Attorney Docket: 0026-011  
Examiner: Hwu, Davis D.  
Group Art Unit: 3752

Title: Truck Wash Automatic Chemical Ratio Proportioning

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

These remarks are in response to the Office Action dated June 21, 2004, which has a shortened statutory period for response set to expire September 21, 2004. A two-month extension of time to expire November 22, 2004 (November 21, 2004 being a Sunday) is requested in a petition filed herewith.

Claims

Claims 1-12 and 22-46 are pending in the above-identified application. Claims 1-12, 22-31, and 39 are rejected over prior art. Claims 1-12 and 22-46 remain as filed or previously amended. Claims 13-21 were previously canceled. Claims 32-38 and 40-46 are objected to, but indicated by the Examiner to include allowable subject matter. Reconsideration is requested.

Rejections Under 35 U.S.C. § 102

Claims 1-6, 9-11, 22-25, 29, 31, and 39 are rejected under 35 U.S.C. § 102(b) as being anticipated by Proudman (USPN 5,246,026). The Examiner writes (in part):

The patent to Proudman shows an apparatus for proportioning a chemical with a solvent, comprising:

- a flow measurement apparatus 22 for measuring the flow rate of the solvent (water);
- a control unit 33 for calculating the quantity of the chemical to be added to the solvent based at least in part on the flow rate of the solvent; and
- a flow control device including a pump 28 and a valve 26 for metering the quantity of the chemical added to the solvent.

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1 of 5